## MDCR/MCRC E-newsletter for December 21, 2012



#### Only Fair Is Fair.

## Senate to honor 100th anniversary of Rosa Parks' birth in February

From the Detroit Free Press, 12/20/12

http://www.freep.com/article/20121220/NEWS07/121220042/U-S-Senate-resolution-100th-anniversary-Rosa-Parks-birth-February-2013?odyssey=tab|topnews|text|FRONTPAGE

WASHINGTON – The U.S. Senate has approved a resolution honoring the 100th anniversary of the late civil rights pioneer Rosa Parks' birth in February 2013.

### ACLU sues over Michigan driver's license policy for undocumented immigrants

http://www.freep.com/article/20121219/NEWS06/121219035/Ruth-Johnson-secretary-of-state-undocumented-immigrants?odyssey=tab|topnews|text|FRONTPAGE

From the Detroit Free Press, 12/19/12

The ACLU of Michigan said it's suing Michigan's Secretary of State Ruth Johnson over her decision to deny driver's licenses to undocumented immigrants who are able to live and work legally in the U.S. under a new program with the Department of Homeland Security.

## **700** Michigan families to keep welfare benefits for caretaking disabled relatives From MLive, 12/19/12

About 700 families who can't hold jobs because they're caring for seriously ill or disabled family members will continue to receive welfare cash assistance, under the terms of a welfare reform bill awaiting the signature of Gov. Rick Snyder.

The bill codifies policies put in place by the Department of Human Services in the fall of 2011 that have removed about 15,000 families from cash assistance by enforcing lifetime benefit caps.

Bridge Magazine reported in March that among the families kicked off welfare were about 700 Michigan who were on cash assistance because the only able-bodied adult had to stay <a href="https://www.home.com/home

"I've seen stories on how (welfare reform) has impacted people who have the ability to work, but there are not many stories about how it affects those who cannot," said Tammy McFalls, whose husband has end-stage renal failure and is legally blind, in March. "If I go to work, I put my family at risk -- my husband could die. Where does this leave us?"

Such families had been exempted from welfare work requirements before the reform. Several families told Bridge that DHS workers had told them that it was cheaper for taxpayers to provide cash assistance (which averaged about \$400 a month) to have the able-bodied adult stay at home than for taxpayers to pay for a health-care worker to come to the home while the able-bodied adult went to work.

The disabled family member had to qualify for federal Social Security disability for the family to be considered for the exemption. Families had to be certified by a doctor annually that there was a need for around-the-clock care.

An amendment added on the floor of the House of Representatives by Rep. Rashida Tlaib, D-Detroit, before final passage of the bill exempted the 700 families from cash assistance time limits. Jackie Doig, senior staff attorney for the Center for Civil Justice, which sued DHS over the policies, called the caretaker exemption a "small victory" in a bill that cemented in law the policies she feels hurt the poor.

For those 700 families, though, the victory was huge. "I am very grateful the Legislature took action to protect the \$400 a month payment my family receives because I am needed at home to care for my two children with multiple disabilities," Megan Smith of Flint said in a news release from CCJ.

## Lawsuit claims Napoleon Community Schools, Jackson County Intermediate School District discriminated against child and her service dog

From MLive, 12/18/12

Napoleon Township, MI – A federal lawsuit has been filed on behalf of a former Ezra Eby Elementary School student with cerebral palsy who fought to have her service dog accompany her to school.

The suit was filed Monday in U.S. District Court in Detroit by <a href="the-American Civil Liberties Union of Michigan on behalf of Ehlena Fry, 8, and her parents, Brent and Stacy Fry, against Napoleon Community Schools, the Jackson County Intermediate School District and Pamela Barnes, former Eby principal and current Napoleon Middle School principal."

It claims the schools violated the Americans with Disabilities Act by not allowing Ehlena to bring Wonder, a trained goldendoodle service dog, to school with her to assist with her mobility and balance problems and increase her independence.

The suit asks that the family be awarded damages in an amount to be determined at trial, as well as attorney fees.

"To force a child to choose between her independence and her education is not only illegal, it is heartless," Michael J. Steinberg, ACLU of Michigan legal director, said in a press release. "For more than 20 years, the Americans with Disabilities Act has required schools to accommodate students with disabilities to guarantee that they have equal access to education, a fundamental value that seems to be lost on the Napoleon school district."

Napoleon Community Schools Superintendent Jim Graham and JCISD Communications Director Tommy Cameron declined to comment, pending discussion with legal counsel.

Ehlena, who attended Eby as a schools-of-choice student, is enrolled in a Washtenaw County public school. She has not attended Napoleon schools since 2010.

The child was born with spastic quadriplegic cerebral palsy, which affects her legs, arms and body and limits her motor skills and mobility, the suit said, adding that she is not impaired cognitively but has been diagnosed with ADHD inattentive type and seizure disorder.

In 2009, the Jackson community helped the Frys raise more than \$13,000 for the assistance dog, which was trained at "4 Paws for Ability" in Ohio. The suit claims the Frys were led to believe Wonder could accompany their daughter to school.

School officials have said, however, that an 11-member team that recommended an individualized special education plan for Ehlena determined she didn't need the dog because she already had a full-time aide funded by the Napoleon district.

School officials also have said previously that they questioned Ehlena's ability to handle the dog because of her young age.

Ehlena attended school without the dog from October 2009 to April 2010 when a compromise was reached to allow Wonder to accompany the child to school for a 30-day trial period.

During the trial period, the suit claims that the dog was required to remain in the back of the room during class, was forbidden from assisting Ehlena with tasks he had been trained to do and was not allowed to assist her during recess, lunch, computer lab, library time and other activities.

The suit claims that school officials refused to modify these policies following the trial period, so the Frys removed Ehlena from Eby and homeschooled her. They also filed a complaint with the Office of Civil Rights at the U.S. Department of Education.

In May, the OCR issued a disposition letter finding that Napoleon schools and the ISD had violated Ehlena's rights under the Americans with Disabilities Act.

The suit claims that, as a result of this ruling, Napoleon schools agreed to take Ehlena back with Wonder, but refused to accept the OCR's findings or legal conclusions.

The Frys had concerns that school officials would resent Ehlena and make her return to school difficult, according to the suit.

The suit claims that Ehlena was harmed by denial of equal access, use of her service dog and the opportunity to interact with other students while being homeschooled because of the school's exclusion of the dog. It also claims the situation interfered with her ability to form a bond with the dog and caused emotional distress, pain and embarrassment.

The new school Ehlena is attending has welcomed her and the dog, the suit said.

#### Flint police lawsuit alleges racial discrimination in promotions

From the Detroit Free Press, 12/18/12

http://www.freep.com/article/20121219/NEWS04/312190074/Flint-police-lawsuit-alleges-racial-discrimination-in-promotions

White police officers working in Flint claim black police officers with less experience received promotions over them, according to a lawsuit filed in U.S. District Court in Detroit.

#### Court Upholds Firing of College Official Over Op-Ed Against Gay Rights

From the Chronicle of Higher Education, 12/17/12

### http://chronicle.com/article/Court-Upholds-Firing-of/136343/

A federal appeals court has upheld the University of Toledo's decision to fire a high-level human-resources administrator who wrote a newspaper opinion column challenging the idea that gay people deserve the same civil-rights protections as members of racial minority groups.

### FBI: Hate crimes down nationally, up in Michigan

From MLive, 12/17/12

The Federal Bureau of Investigation says that the number of reported hate crimes dropped slightly last year in the United States but increased in Michigan.

<u>FBI statistics released last week</u> indicate that the total number of reported hate crimes dropped from 6,628 in 2010 to 6,222 in 2011.

Here in Michigan, however reported hate crimes rose from 304 incidents in 2010 to 346 in 2011.

More than half (65 percent) of Michigan hate crimes were motivated by race, according to reports supplied to the FBI by local agencies. Sexual orientation bias played a role in 14.2 percent of hate crimes, religion 12.7 percent, ethnicity 6 percent and disabilities 1.4 percent.

Nationally, racial bias was a primary motivator in 46.9 percent of hate crimes. Sexual orientation bias played a role in 20.8 percent of incidents, religion 19.8 percent, ethnicity 11.6 percent and disability 1.4 percent.

Michigan had the fifth-highest total and 11th highest per-capita rate of reported hate crimes in 2011, but the FBI cautions against rankings because the data does not consider geographic and demographic variables specific to each state and reporting agency.

Some agencies, such as the New York City Police Department, include units designed to identify and investigate hate crimes, which may lead to a higher number of reported incidents in those communities.

The Oakland County Sheriff's Office reported more 2011 hate crimes (32) than any other agency in Michigan. Municipal departments in Roseville (11), Dearborn (10), Livonia (9), West Bloomfield (8), Hamtramck (8) and Detroit also reported a high number of incidents.

In releasing the new data, the FBI also highlighted successful hate crime investigations, including an incident at a Detroit gas station involving a man who assaulted another customer who he believed was gay.

Victim Justin Elesna, 23, recounted the attack on YouTube, and authorities eventually arrested and prosecuted 36-year-old Everett Dwayne Avery on federal charges.

"A hate crime is different than a simple assault because it is an attack on not just one individual victim, but an attack on everyone who shares a particular characteristic," U.S. Attorney Barbara McQuade said after Avery pleaded guilty in August.

Levin, Stabenow sponsor resolution honoring Rosa Parks

From the Detroit News, 12/15/12

http://www.detroitnews.com/article/20121215/METRO/212150367/1409/metro/Levin-Stabenow-sponsor-resolution-honoring-Rosa-Parks

A host of events are scheduled for Feb. 13 to commemorate what would have been the 100th birthday of civil rights icon Rosa Parks.

Bullied teen Whitney Kropp reflects on homecoming, media attention, how 'things have gotten better' From MLive, 12/14/12

Alger, MI — It has been several months since 16-year-old Whitney Kropp stood tall on the football field and faced a packed stadium during the Ogemaw Heights High School homecoming coronation.

While any court member could be expected to have butterflies during the halftime ceremony, Kropp faced more than her peers and family members in the crowd.

The sophomore student was elected as her class court representative as a joke, and when word spread about the prank, she became the focus of national media attention. A Facebook support group was "liked" by thousands.

"Some of my classmates were judgmental when the news focused on me," Kropp said. "But things have gotten better — the media attention and the criticism has died down quite a bit since I was on the Katie Couric show."

Kropp's mother, Bernice Kropp, said that it was difficult to function in the days leading up to the homecoming game. Once her daughter's story made national news, Bernice Kropp said she received upwards of 200 calls and text messages from media outlets hoping for an interview with the bullied teenager.

"The phone was constantly ringing, from 7 a.m. until 11 p.m., and reporters were showing up at my work," Bernice Kropp said. "Whitney only spoke with 1 percent of the news that wanted to speak with her."

Bernice Kropp said that her daughter was criticized by some residents from their small town who believed she was receiving gifts and profiting from appearing on radio shows and the news.

"We had no time to figure out what we were doing," said Bernice Kropp. "We thought we could do a few interviews to satisfy the media and steer the conversation into something productive rather than this turning into the news bashing the school."

The attention started after a Facebook page "Support Whitney Kropp" gathered thousands of "likes." The creator of the page graduated with Whitney's father, Jason Kropp, but did not know Whitney or notify her before the page went live.

Whitney Kropp said the ordeal caused her to lose some friends who were envious of the attention.

"It was hard to have a healthy relationship, and it was hard to get all my homework done, but my teachers were wonderful and really lenient with assignments," Kropp said. "It is well worth it, though, if I saved one person's life, and to hear all the messages from kids who I inspired."

Kropp, who likes to change her hair color frequently and listens to Adam Lambert, created her own Facebook page several weeks ago to serve as a safe place for bullied teenagers to share their stories.

"I was bullied as a kid for being tall, but then I wasn't picked on until high school," Whitney Kropp said. "My situation definitely made me even more aware that bullying is something that needs to stop."

One perk that Kropp's family did receive was a paid vacation to Disney World from the producers of the Katie Couric show. Parents Bernice and Jason Kropp are heading to Florida with their three children, Whitney, Alivia and Jason Jr., the day after Christmas.

"It was hard at the time, but looking back, I can say that I'm glad it happened," Bernice Kropp said. "I mean, what an experience. It really brought us closer together as a family."

## University of Michigan protest over tuition held on behalf of undocumented students

From the Detroit Free Press, 12/14/12

http://www.freep.com/article/20121214/NEWS06/312140047/University-of-Michigan-protest-over-tuition-held-on-behalf-of-undocumented-students?odyssey=tab|topnews|text|FRONTPAGE|
Seconds after University of Michigan President Mary Sue Coleman banged the gavel to start Thursday's Board of Regents meeting, the first student stood up.

## Woman who believed she was fired for serving on jury gets job back

From the Lansing State Journal, 12/12/12

http://www.lansingstatejournal.com/article/20121212/NEWS01/312120049/juror-fired-jobback?odyssey=mod|newswell|text|FRONTPAGE|s&nclick\_check=1

Lansing — Christmas spirit was evident Wednesday in an Ingham County courtroom.

A Webberville woman who believed she was fired in September from her job at a gas station diner because she served as a juror was told she could return to work Saturday.

## Muslim rights group urges bill in Michigan Legislature be stopped

From the Detroit Free Press, 12/12/12

http://www.freep.com/article/20121212/NEWS06/312120030/Muslim-rights-group-urges-bill-in-Michigan-Legislature-be-stopped

A Muslim rights group has urged Gov. Rick Snyder to veto legislation designed to block the use of Islamic law in the state, should the bill reach his desk.

### EMU to pay \$75,000 to settle lawsuit

From the Detroit Free Press, 12/11/12

http://www.freep.com/article/20121211/NEWS06/312110035/EMU-to-pay-75-000-to-settle-lawsuit Eastern Michigan University has agree to pay \$75,000 to settle a lawsuit filed by a former student expelled from the master's degree counseling program after she refused to counsel a gay client because of her religious beliefs.

## Traffic Talk: Why do so many people illegally park in handicap spaces? What can the state do about it? From MLive, 12/10/12

Lansing – Many of us have been there: Circling a parking lot, looking for a free space, pounding our fist against the steering wheel when the only one we find is a handicap spot.

The temptation to park in the designated space is real -- "Hey, I'll only be five minutes!" -- but so too is the impact on handicapped drivers.

"I speak with no hyperbole when I say that every single day of my life and every single parking lot that I go to, I encounter at least one person illegally parked in a handicap spot," said James McGarry of Flint, testifying from his wheelchair last week before the Michigan House Transportation Committee.

"I consider myself high in my level of ability for someone in a wheelchair, but the majority of people in my position aren't nearly as able-bodied. ...I think people who aren't in these positions have no idea the full extent of the impact on quality of life."

The Americans with Disabilities Act requires handicap parking spaces at any place open to the public, and the Michigan Secretary of State issues special license plates and placards for individuals with qualifying disabilities.

The Free Press, <u>in an extensive series published in July</u>, staked out parking lots in Metro Detroit and witnessed scores of able-bodied drivers using handicap parking spots. Many somehow obtained a placard and others simply scoffed at the law.

Some critics say the problem begins with doctors who certify patients but face no repercussions for approving handicap parking access for those who don't need it.

But the Free Press analysis also pointed to sporadic enforcement by police agencies, placards that are easily tampered with, and state law that does not mandate escalating penalties or periodic medical updates from permit holders.

State Rep. Jim Ananich (D-Flint) is attempting to curb the problem.

Ananich is sponsoring legislation that would double the maximum fine local communities can charge handicap parking violators -- from \$250 to \$500 -- and allow parking signs to reference that dollar amount.

"This is just one piece of a comprehensive approach to discourage misuse of handicap parking spaces and to give locals more tools to decide what works best for them," Ananich said during last week's committee hearing, promising to propose other legislative solutions in the future.

McGarry, who made headlines last year when he was kicked out of his health club for confronting an able-bodied member illegally parked in a handicap spot, said that doubling maximum fines would be an appropriate first step to deterring a behavior that ultimately will require more enforcement.

Police officers and sheriff's deputies can ticket violators. But many agencies, stretched thin by dwindling resources, rely on volunteer networks to supplement their parking lot patrols.

Phil Brown volunteers on Kent County's Handicap Enforcement Patrol. He was deputized by the sheriff's department to write tickets, but he is not authorized to make arrests.

Brown, who emailed me last month asking that I address parking lot issues in Traffic Talk, said local businesses often call the county's community relations division to request patrols during peak-business hours.

The volunteers educate the public, work with business owners to replace faded signs, ticket violators and testify against them in court.

"When we walk into court, we walk in with pictures," Brown said. "We ticket the car, not the driver. A lot of people will say, 'I wasn't at the store,' but their car was."

Brown cited several other concerns. Asking businesses to replace faded handicap signs is difficult, he said, because tenants may not pass the recommendation on to building owners. Scooter and moped drivers, he said, often park on handicap access lines without realizing they're blocking a vehicle from extending a wheelchair ramp.

State Rep. Doug Geiss (D-Taylor) said that these volunteer networks are working well in some communities and suggested the state could look to standardize county-level task forces in order to facilitate uniform enforcement.

The Free Press investigation also revealed that handicap parking placards often are tampered with or borrowed, despite a maximum fine of \$500 and 30 days in jail. Officials are working to design new placards that more difficult to alter, and the state could consider steeper punishments.

Brown recalled a recent incident involving a driver who was parked in a handicap spot but was not hanging a placard from his rear-view mirror. It turned out the man had a placard on his seat, but it was his wife's, and a deputy called to the scene ended up confiscating it.

"Can you imagine going home and telling your wife you lost her placard? That's probably worse than getting a ticket," Brown said.

## West Michigan advocates explain why state's illegal immigration is not decreasing From MLive, 12/7/12

Grand Rapids — The number of illegal immigrants has dropped sharply in the U.S. in the past few years, but has risen in Michigan, according a new report. West Michigan advocates said the agricultural jobs in the region play a factor.

The report released Thursday, Dec. 6, by the Pew Research Center finds that, after two decades of constant increase, the nation's illegal immigrant population dropped significantly. However, in Michigan the number of illegal immigrants has increased from an estimated of 120,000 in 2007 to 150,000 in 2010.

In Kent County the Hispanic population represents 9.9 percent of the people, according to the U.S. Census. In Ottawa County, Hispanics are the largest minority, representing 8.8 percent of the population.

Juan Alfaro, project director of LAUP (Latin Americans United for Progress) a nonprofit organization based in Holland, believes the increase is because many Hispanics are improving their economic situation.

"We have seen that many Hispanic people are leaving the city of Holland and are starting to move to the northern part of Ottawa County because they can afford to buy houses now," he said.

He said it's difficult to say how many of these people are undocumented, because when they offer services or do studies, they don't ask for social security number or their legal status.

"Many of the people that we serve can be here illegally, but we wouldn't know because they are driving and going to their jobs," he said.

According to the study, in 2010 there were 11.2 million undocumented people living in the United States, unchanged from the previous year. In addition to that, from 2000 to 2007, the average inflow of illegal immigrants was 500,000. By 2010, it had dropped to 140,000.

Michigan, as well as Louisiana, Oklahoma and Texas, was among the states to see an increase in their undocumented immigrant population.

Sarah Salguera, program director of the Lakeshore Ethnic Diversity Alliance in Holland, said the population the group serves has mostly stayed constant.

"We serve people who work in nurseries growing flowers, bushes and a variety of landscaping plants. Our numbers have not changed much throughout the years," she said.

However, she said the Hispanic population outside the city is significant because of the agricultural fields.

"Outside Holland, there are a lot of migrant and seasonal workers that are Hispanic. We estimate there are at least 12,000 of them working in the fields," said Salguera.

#### In the Welcoming Business

From PrideSource, 12/6/12

http://www.pridesource.com/article.html?article=57206

"Church work is like government work, change is slow," said Kevin Hogan of the Michigan Roundtable for Diversity and Inclusion Faith Alliance. But that doesn't stop him from pushing onward for incremental change in the way congregations evolve towards acceptance.

### Judge rules Detroit police violated rights during '08 art gallery raid

From the Detroit Free Press, 12/5/12

http://www.freep.com/article/20121205/NEWS01/121205076/Contemporary-Art-Institute-of-Detroit A federal judge said Detroit police violated the rights of many people who were arrested or searched during a raid at an art gallery four years ago.

### Ann Arbor earns high score for LGBT Equality

From MLive, 12/5/12

Ann Arbor received a high score on a new Municipal Equality Index ranking communities on protections for LGBT people, the Atlantic Cities reports.

Ann Arbor scored 84 out of a possible score of 100 in the report on LGBT (lesbian, gay, bisexual, transgender) equality. Eleven cities, including New York, Los Angeles and St. Louis received perfect scores. Low rankers included Jefferson City, Mo.; Frankfort, Ky.; and Montgomery, Ala.

The Human Rights Campaign Foundation, in partnership with the Equality Federation Institute and the Gay & Lesbian Victory Fund compiled the report.

The report ranked communities on 47 criteria in six broad categories: non-discrimination laws; relationship recognition; the municipality's employment practices; inclusiveness of city services; law enforcement; and municipal leadership.

Ann Arbor was the first city in the country to pass a gay rights ordinance. It was also the first city in the nation to elect an openly gay person to office when Kathy Kozachenko won a seat on City Council in April 1974.

Gaywired.com named it one of the top five surprisingly gay-friendly small towns in 2009.

The ranking in the Municipal Equality Index is the latest in a string of kudos for the city. In recent months, Ann Arbor has been ranked the No. 9 college town in America, the fifth-happiest city in America and one of the 10 best cities for singles, among others.

#### Michigan's immigrant youths put in legal limbo

From the Detroit News, 12/3/12

Detroit — For Sergio Martinez, proving that he has been in the United States from the age of 5 hasn't been easy.

#### South Lyon teacher's pay restored after suspension over gay-themed song

From the Detroit News, 11/30/12

http://www.detroitnews.com/article/20121130/SCHOOLS/211300446/1361/South-Lyon-teacher%E2%80%99s-pay-restored-after-suspension-over-gay-themed-song

South Lyon — The South Lyon Community Schools teacher who was suspended without pay for playing a gay-themed song, "Same Love," is back at work.

# Michigan Attorney General lobbies US Supreme Court to overturn affirmative action ruling From the Detroit Free Press, 11/30/12

http://www.freep.com/article/20121130/NEWS06/311300032/Michigan-attorney-general-lobbies-U-S-Supreme-Court-to-overturn-affirmative-action-ruling

As expected, Michigan Attorney General Bill Schuette has asked the U.S. Supreme Court to overturn a federal court ruling that threw out Michigan's voter-approved ban on the use of affirmative action in college admissions.

# Underdog on top: Player with Down Syndrome wins Ishpeming team \$25,000 and a trip to New York From MLive, 11/29/12

The Ishpeming High School football team, which capped an improbable run by <u>winning the Division 7</u> state championship last weekend, isn't headed to Disney World.

Instead, the team is headed to New York City for the annual Sports Illustrated Sportsman of the Year ceremony.

The Hematites wouldn't be heading there without Eric Dompierre, a 19-year-old kicker with Down Syndrome who was almost kept off this year's team due to age limits set by the Michigan High School Athletic Association.

His father fought the inflexible rule all summer, and in August, the MHSAA finally approved a waiver allowing Eric to play this season as an extra-point specialist.

Sports Illustrated documented his inspirational story -- <u>from the off-field drama to on-field bonds with teammates</u> -- for its annual "underdogs" contest, allowing viewers to vote for his or other stories online. Earlier this month, just days before they won a state championship, Ishpeming won the magazine contest, earning a trip to New York and a \$25,000 grant.

Instead of flying 10 players to the December 5 awards ceremony, as originally planned, Sports Illustrated reportedly agreed to pay for a charter bus from the Upper Peninsula to New York so that the whole team can travel, and local boosters are raising additional funds for the full-team trip.

"The town has really behind this team and behind our efforts for Eric to play these last few years," Dean Dompierre told SI. "We needed signatures. We needed letters written and the town not only recruited other people from the state, but people around the country."

Eric's age-waiver wasn't the only adversity that the Hematites faced en route to their championship. Coach Jeff Olson lost his son to suicide over the summer, and the brother of starting quarterback Alex Briones died last year.

But Ishpeming overcame those hardships -- not to mention a size mismatch -- to defeat Detroit Loyola in the state championship. So much for "underdogs."

**Previous:** <u>Down Syndrome football player who fought state to play senior season could win school a</u> \$25,000 prize